

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MEGAN JORDAN	:	
	:	
Plaintiff,	:	
	:	
vs.	:	No. 02-CV-5312
	:	
NATIONWIDE MUTUAL INSURANCE	:	
COMPANY,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this day of , 2003, upon consideration of
the Motion, it is hereby

ORDERED AND DECREED that all deadlines are extended for a period ninety
(90) days;

AND FURTHER, that a date certain is to be assigned for trial by the Deputy
Clerk, after conferring with counsel.

BY THE COURT:

, J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MEGAN JORDAN	:	
	:	
Plaintiff,	:	
	:	
vs.	:	No. 02-CV-5312
	:	
NATIONWIDE MUTUAL INSURANCE	:	
COMPANY,	:	
	:	
Defendant.	:	

**MOTION TO EXTEND DEADLINES AND
TO ESTABLISH DATE CERTAIN FOR TRIAL**

Defendant, Nationwide Mutual Insurance Company, (“Nationwide”), with the consent of the plaintiff, hereby moves the Court to extend deadlines and to establish a date certain for trial and avers as follows:

1. The present action involves a claim seeking recovery of extra-contractual bad faith damages in connection with the handling of the plaintiffs’ underinsured motorist claims.

2. In the present action, discovery is to be completed on or before September 15, 2003, with the matter to be placed in the trial pool thereafter.

3. In this case, the parties have diligently attempted to complete discovery and prepare the matter for trial in accordance with the schedule established by the Court.

4. During the course of discovery, additional issues and disputes have arisen, necessitating further discovery as well as judicial intervention in order to resolve discovery disputes. A true and correct copy of the correspondence to Magistrate Judge Wells with respect to the status of discovery disputes and the request for a conference to address same is attached hereto and marked as Exhibit "A".

5. In order to allow resolution of the discovery disputes and the completion of the remaining discovery, an extension of the deadlines in this matter of ninety (90) days is respectfully requested.

6. At the same time, the assignment of a date certain for trial is requested since:

- (a) the plaintiff is a student attending college out of state; and
- (b) various witnesses, to be called either by the plaintiff or the defendant at trial, reside out of state and will need to travel to Philadelphia for trial, including:
 - (i) the sister of the plaintiff;
 - (ii) the parents of the plaintiff;
 - (iii) Home Office representatives of the defendant

7. The parties aver that the brief extension and assignment of a date certain for trial will not prejudice any party and will materially assist in the resolution of the matter by settlement and/or trial.

WHEREFORE, the defendant, Nationwide Mutual Insurance Company, with the consent of the plaintiffs, respectfully requests that the Court enter an Order:

- (1) extending all deadlines for a period of ninety (90) days;
- (2) assign a date certain for trial coinciding with the vacation schedule of the plaintiff

SWARTZ CAMPBELL LLC

James C. Haggerty, Esquire
Attorney for Defendant,
Nationwide Mutual Insurance Company

Dated: September 11, 2003

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MEGAN JORDAN	:	
	:	
Plaintiff,	:	
	:	
vs.	:	No. 02-CV-5312
	:	
NATIONWIDE MUTUAL INSURANCE	:	
COMPANY,	:	
	:	
Defendant.	:	

MEMORANDUM OF LAW

The present action involves a claim seeking recovery of extra-contractual bad faith damages in connection with the bad faith handling of plaintiffs' underinsured motorist claims. In this regard, discovery is to be completed by September 15, 2003. Thereafter the matter is to be placed into the trial pool. The parties in this case have attempted, in good faith, and with due diligence, to complete discovery and prepare the matter for trial. Various issues have arisen, however, which have prevented completion of discovery within the time provided.

During the course of discovery, various issues arose. Additional witnesses were identified, necessitating yet again, more discovery. In order to attempt to address and resolve the issues, without a flurry of Motions, counsel for the parties have met. Following the conference, the parties have agreed to present the issues to the Court for resolution. A true and correct copy of the correspondence to Magistrate Judge Wells, reviewing and outlining the issues and the proposed procedure for

resolving same is attached. Accordingly, the parties respectfully request an extension of all deadlines of ninety (90) days.

At the same time, a date certain for trial is requested. The plaintiff is a student attending college out of state. Various witnesses, who may be called by either the plaintiff or defendant, also reside out of state. These witnesses include the sister of the plaintiff, the parents of the plaintiff as well as various Home Office representatives of the defendant, Nationwide Mutual Insurance Company. Accordingly, a date certain is requested for trial.

The parties in this matter, as noted, have diligently sought to complete the matter within the time frame established by the Court. An extension of these deadlines of ninety (90) days is respectfully requested. The parties aver that there will be no prejudice to either side by this extension. At the same time, it is believed that the final resolution of this matter, by way of settlement or trial, will be advanced. Accordingly, it is respectfully requested by the defendant, Nationwide Mutual Insurance Company, with the consent of counsel for the plaintiff, that the deadlines be extended for ninety (90) days and, further, that a date certain be established for trial to coincide with the schedule of the plaintiff's school holidays.

Respectfully,

SWARTZ CAMPBELL LLC

James C. Haggerty, Esquire
Attorney for Defendant,
Nationwide Mutual Insurance
Company

CERTIFICATION OF SERVICE

I do hereby certify that on this day I am serving the foregoing pleading by first class mail and hand-delivery upon the following counsel of record:

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Attorney for Defendant,
Nationwide Mutual Insurance Company

Dated: September 11, 2003

